

16623 U.S. PTO
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Express Mail No. EV 283744319 US
Attorney Docket 816020-100070US

00727 U.S. PTO
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

To: Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EV283744319US

Attorney Docket No.: 816020-100070US
First Named Inventor: Keith Myers
Prior Application Information:
Serial No. 09/772,526
Examiner: Barrett, Thomas C.
Art Unit: 3738

FILING UNDER 37 CFR § 1.53(b)

Sir:

This is a request for filing for a

☐ continuation ☒ divisional ☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/772,526 filed on
January 29, 2001, by

Myers, Keith et al., entitled:

PROSTHETIC HEART VALVE

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

I. APPLICATION PAPERS ENCLOSED HERewith FOR FILING UNDER 37 CFR § 1.53(b):

29 Page(s) of Written Description
2 Page(s) Claims
1 Page(s) Abstract
15 Sheets of Drawings ☐ Informal ☒ Formal
2 Pages(s) Declaration
☒ Copy from prior application [37 CFR §1.63(d)]

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

EV 283744319 US
Express Mail Label No.

January 5, 2004
Date of Deposit
LAI-2082900v1

Beth Marchese
Name of Person Mailing Paper
Beth Marchese
Signature of Person Mailing Paper

II. ADDITIONAL PAPERS ENCLOSED IN CONNECTION WITH THIS FILING:

- ☒ Power of Attorney ☒ Separate ☐ Combined with Declaration
☐ Certified Copy of Priority Document No(s):
☐ Information Disclosure Statement w/PTO 1449 ☐ Copy of Citations
☐ Preliminary Amendment
☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35
☒ Return Postcard
☐ Other:

III. RELATE BACK - 35 USC § 120

- ☒ The present application is a continuation of U.S. Patent Application Serial No. 09/772,526, which was based on, and claims priority from U.S. Provisional Application Serial No. 60/178,333, filed January 27, 2000.
- ☒ Appropriate relation back information is included in the preliminary amendment or specification.
- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are):
- ☒ the same.
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

[Name(s) of inventor(s) to be deleted]

IV. ASSIGNMENT

- ☐ The prior application is assigned of record to ____.
- ☒ A copy of the Assignment of the invention to 3f Therapeutics, Inc. filed in pending prior application Serial No. 09/772,526, filed January 29, 2001, is attached.

V. THE FILING FEE HAS BEEN CALCULATED AS SHOWN BELOW:

- ☒ Applicant claims small entity status pursuant to 37 CFR § 1.27

BASIC FILING FEE:						\$770.00
Total Claims	12	-	20	=	0 x \$18.00	\$0.00
Independent Claims	2	-	3	=	0 x \$84.00	\$0.00
Multiple Dependent Claims	\$280	(if applicable)			<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS						\$0.00
Reduction by ½ for Filing by Small Entity, if applicable, as asserted above. Note 37 CFR §§ 1.9, 1.27, 1.28.						\$385.00
Misc. Filing Fees (Recordation of Assignment -- \$40)						\$0.00
TOTAL FEES DUE HEREWITH						\$385.00

VI. METHOD OF PAYMENT OF FEES

- ☐ A check in the amount of ____.
- ☒ Charge Jones Day's Deposit Account No. **50-2468** in the amount of \$385.00.
- ☐ This application is being filed without fee or Declaration under 37 CFR § 1.53.

VII. AUTHORIZATION TO CHARGE FEES

The Commissioner is authorized to credit any overpayment and to charge any underpayment to Jones Day's Deposit Account No. **50-2468** for the following:

- ☒ 37 CFR § 1.16 – (Filing fees and excess claims fees)
- ☒ 37 CFR § 1.17 – (Any application processing fees)
- ☐ 37 CFR § 1.21 – (Assignment recording fees)

VIII. CORRESPONDENCE ADDRESS

Please send all correspondence to Customer Number 34026:



34026

PATENT TRADEMARK OFFICE

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Attorney Docket 816020-100070US

Please direct all inquiries to Steven J. Corr at the above customer number.

Respectfully submitted,

JONES DAY

Dated: January 5, 2004

By: 

Steven J. Corr
Reg. No. 52,427